

**Re:** Notice of Proposed Rulemaking narrowing the “advice exception” under the Labor Management Reporting and Disclosure Act.

I object to the proposed rulemaking. It's a threat to US job creation and seems to benefit labor unions at the expense of small businesses and entrepreneurs. There's also no need for this rule. It seems like this rule is simply political payback. It would be another hidden tax of more than a quarter billion dollars. It would also be another attack on free speech.

The “research” cited in the proposed rulemaking is anecdotal reports by unreliable and/or biased resources. Most of the illegal activities complained about will not be improved by the proposed rule. There is already a way to deal with illegal activities. The NLRB investigates & punishes them.

The drastic expansion of the definition of “persuasion” proposed includes activities common in HR, such as employee surveys, drafting policies or procedures, holding employee committee meetings, or attending continuing education seminars or conferences. The proposed rule would make these illegal. Ridiculous!

This proposed rule creates a potential criminal liability for using the services of a consultant or attorney to consult with employees. Consultants are often used to improve productivity. Companies are going to have to waste time making sure they identify all persuasion and advice activities each year. More unnecessary bureaucracy. The department's estimates of which companies are affected by the rule change only includes those companies that hire attorneys or consultants

during NLRB elections. It ignores the millions of companies that hire consultants and attorneys for all kinds of employee activities (listed above in the HR activities).

This rule discourages clients from seeking advice and counsel from professionals and may even result in disclosure of confidential or privileged communications.

It would trigger ongoing reviews of every conference or trade association meeting that any employee wants to attend to make sure there are no "persuasion topics", review the agenda and content of every meeting facilitated by an outside consultant or attorney, review every communication with an outside consultant or attorney, review every employee opinion survey—for some organizations this would be a huge undertaking. If you use the Department's own estimate of \$87.59 per hour as the cost of compliance x 100,000 firms (likely an underestimate) x 14 hrs/yr (1 hr per mo, 2hrs per yr), the total compliance burden on employers is more than \$100 million each year (\$122,626,000). Double this, because the consulting or law firm and any of their subcontractors would have to do the same.